

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

MWK RECRUITING, INC.
Plaintiff,

v.

**EVAN P. JOWERS, YULIYA
VINOKUROVA, ALEJANDRO VARGAS,
and LEGIS VENTURES (HK) COMPANY
LIMITED (aka Jowers / Vargas),
Defendants.**

Civil Action No. 1:18-cv-00444

EVAN P. JOWERS

Counterclaimant,

v.

**MWK RECRUITING, INC., ROBERT E.
KINNEY, MICHELLE W. KINNEY,
RECRUITING PARTNERS GP, INC.,
KINNEY RECRUITING LLC, COUNSEL
UNLIMITED LLC, and KINNEY
RECRUITING LIMITED**

Counter-defendants.

**DECLARATION OF EVAN P. JOWERS IN OPPOSITION TO PLAINTIFF AND
COUNTER-DEFENDANTS MOTION FOR PARTIAL SUMMARY JUDGMENT**

DECLARATION OF EVAN P. JOWERS

I, Evan P. Jowers, hereby declare as follows:

1. I am of sound mind, I am capable of making this declaration (“Declaration”), and I have personal knowledge of the facts stated in this Declaration. All of the facts stated in this Declaration are true and correct. I am over 21 years of age, and I have never been convicted of a felony or a crime of moral turpitude in any jurisdiction.

2. When I resigned Kinney Recruiting on December 16, 2016, I was told that I would get full credit for my commission for Hui Zhu, and that this would cover my balance on the loans. I was only informed that Kinney took the position that my commission for Hui Zhu would be reduced after the litigation started.

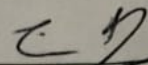
3. I was never informed that I owed any money to the Kinney Entities before the original lawsuit was filed in March 2017. I was never informed that my work expenses in Hong Kong in 2015-2016 would convert into a loan accruing 17% interest. I was never informed by anyone that Kinney was withholding 30% of my commission from Hui Zhu for any reason.

4. I only learned that the Kinney Entities would try to enforce the 2006 Employment Agreement in Court after I resigned. I never believed this agreement was enforceable for many reasons, including the fact that Robert Kinney never abided by the commission structure in that contract.

5. Robert Kinney also made me believe that he was obtaining a work visa in 2015, when I moved to Hong Kong to work for his company. Robert Kinney sent me a contract with his Hong Kong entity “Kinney Recruiting Limited” which was required under Hong Kong law to get a work visa.

I declare under penalty of perjury under the laws of the United States that the foregoing is

true and correct. Executed at AUSTIN, TEXAS on January 27, 2021.



Evan P. Jowers

CERTIFICATE OF SERVICE

I hereby certify that, on January 27, 2021, a true and accurate copy of the foregoing document was served on all counsel of record via the Court's CM/ECF system.

/s/ Robert Tauler

Robert Tauler